

REMARKS

Applicant has amended the specification to correct a typographical error. No new matter has been added.

A Request for Continued Examination is filed concurrently herewith.

In the Final Office Action, claims 1-15 were rejected under 35 U.S.C. § 112, first paragraph, for alleged lack of enablement of “assigning an assignable ACD to the particular user only.” Additionally, claims 1-27 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,049,823 to Hwang (hereinafter “Hwang”). Applicants respectfully traverse these rejections.

Rejections under 35 U.S.C. § 112, First Paragraph

Independent claim 1 is directed to a method of presenting an audiovisual signal to a user’s audiovisual display monitor, including the steps of, *inter alia*:

- receiving a command from the user;
- responding to the command by *assigning* an assignable computing device (ACD) *to the particular user only*;
- establishing a communications link between the user’s audiovisual display monitor and the ACD;
- presenting a menu containing a selection of video programs to the user’s audiovisual display monitor with the ACD.

Independent claim 16 is directed to an apparatus for presenting an audiovisual signal to a user’s audiovisual display monitor, and includes similar limitations.

Applicants previously amended claims 1 and 16 to further clarify that a particular ACD is assigned to a particular user and that user alone, i.e., for dedicated service to the particular user, more clearly distinguishing the cited prior art (*e.g.*, LaJoie).

According to the Examiner's comments on p. 2-3 of the Final Office Action:

"While it is clear that at the cited portions, the specification discloses that a particular audiovisual serving device ACD 120 is assigned or allocated to a particular user. However, the cited portions of the specification do not explicitly state that a particular ACD 120 is assigned to one and only one user at a particular time. Even though the system detects which ACD's are available before assigning one to a user, the specification does not explicitly define the criteria for the ACD being un)available [sic]. In other words, it is possible that the ACD was already assigned to several users, but was still available to serve one more user. . . . The specification does not explicitly disclose that an ACD is only assigned to one particular user at a particular time."

Final Office Action, pp. 2-3.

The Examiner's assertions are plainly incorrect. The specification indeed clearly teaches in numerous instances that an ACD may be assigned "*only* to one particular user at a particular time":

"SMS 10 continuously keeps track of the currently available system resources. For example, when the SMS 10 directs an audiovisual serving device to provide a videotape to a user, both that particular tape and the audiovisual serving device will no longer be available to other users for the duration of the videotape, plus the time needed to rewind. To track the availability of the audiovisual serving devices and their resources, the present invention uses messages sent from the audiovisual serving device to the SMS 10 noting a change in the status when the audiovisual serving device has started or finished a task, such as playing a particular videotape.

the SMS 10 uses this message to update the database of currently available system resources.”

Specification, p. 9, lns.13-22.

“The list of currently available program materials is continuously updated. ... The list can vary in concert with the available system, resources, for example, if all the videotape players are in use presenting program material to other users, then all of the videotape program material would be unavailable to new users.”

Specification, p. 10, ln. 20 – p. 11, ln. 1.

“An ACD may be any computing device capable of performing a task assigned to it. Such devices are intended to include, but be limited to [sic], game computing devices such as the NINTENDO 64 (TM) a product of the Nintendo Corporation of Japan and the SONY PLAY STATION (TM) a product of the Sony Corporation of Japan. ...”

Specification, p. 12, lns. 6-10. (One of ordinary skill in the art would clearly understand that devices such as the Nintendo 64 and Sony Playstation are devices which by their very nature may only be used by a single distributed user at a time.).

Applicants assert that the specification provides sufficient description of this limitation to satisfy all requirements of § 112, first paragraph. (*See also.*, Specification, p. 21, lines 19-21; Specification, p. 22, line 16 - p. 23, line 10, describing that after an ACD is assigned to a user, it is removed from a list of available devices). In particular, applicants assert that the written description, read in the context of known systems and methods of the prior art, is sufficient to enable one of ordinary skill in the art to practice the invention. The subject matter of the independent claims is no more limiting than the disclosure of the specification , and Applicants submit that no subject matter has been

relinquished due to the instant amendment. Accordingly, Applicants respectfully request that the §112 rejections be withdrawn.

Rejections under 35 U.S.C. § 102(e)

In the office action, claims 1-27 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,049,823 to Hwang. Applicants respectfully traverse these rejections.

Hwang fails to disclose or suggest at least the limitation of assigning a computing device to a particular user only, as recited in the claims. The Examiner alleges in the Final Office Action that “Hwang teaches that each private viewing session requires a dedicated Channel-processor for each customer.” Final Office Action, p. 4. However, the cited portions of Hwang actually state just the opposite, i.e., that “Each Channel-processor handles 8 iTVpanel interfaces ... “ Furthermore, Hwang makes clear in several other instances that the Channel-processor is not assigned to a particular user only, as recited in the claims. For example, “every Channel processor can provide the multimedia on-demand service to its private-viewing channel for one user *and at the same time, interface with the iTVservers and LAN servers to provide group on-demand services and non-demand non-time-critical services for other users that send their service requests to the same particular Channel-processor through their iTVpanels.*” Hwang, col. 8, lines 23-30 (emphasis added). Accordingly, because Hwang fails to disclose or suggest at least this claim limitation, Hwang cannot anticipate claims 1 and 16 of the present invention.

Additionally, Hwang does not disclose or suggest that the

Channel-processor is configurable to present a menu containing a selection of video programs to the user's audiovisual display monitor, as recited in claim 1. Accordingly, Hwang fails to disclose this additional step of the claims. Further, because the Channel-processor of Hwang does not present a menu containing a selection of video programs, the Channel-processor of Hwang fails to disclose or suggest the ACD of claim 1. For at least these additional reasons, Applicants respectfully submit that the Hwang reference cannot anticipate claims 1 and 16 of the present application. Accordingly, Applicants submit that claims 1 and 16 are in condition for allowance. Additionally, because dependent claims 2-15 and 17-27 contain all of the limitations of the claims on which they depend, Applicants submit that these claims are also in condition for allowance.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration and allowance of claims 1-27 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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